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9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 UNILOC 2017 LLC

13 Plaintiff,

14 v.

15 MICROSOFT CORPORATION,

16
17 Defendant.

LEAD CONSOLIDATED 8:18-CV-
02053-JLS-JDE

8:18-cv-02054-JLS-JDE

8:18-cv-02224-JLS-JDE

8:19-cv-00196-JLS-JDE

8:19-cv-00428-JLS-JDE

8:19-cv-00477-JLS-JDE

LEAD CONSOLIDATED 8:19-CV-
00780-JLS-JDE

8:19-CV-00781-JLS-JDE

8:19-CV-00783-JLS-JDE

8:19-CV-00955-JLS-JDE

8:19-CV-00956-JLS-JDE

8:19-CV-00988-JLS-JDE

JOINT STATUS REPORT RE *INTER*
***PARTES* REVIEW PROCEEDINGS**

Date: Monday, May 11, 2020

Time: 9:00 am

Crtrm: 10D

Judge: Hon. Josephine L. Staton

Pursuant to this Court's Orders (Dkt. 46 and Dkt. 107) and in advance of the hearing before this Court set for May 11, 2020, Plaintiff Uniloc 2017 LLC ("Uniloc") and Defendant Microsoft Corporation ("Microsoft") hereby jointly submit the following status report regarding the *inter partes* review ("IPR") proceedings before the Patent Trial and Appeal Board ("PTAB").

Uniloc has filed thirteen separate lawsuits spread out across the past eighteen months against Microsoft in this District asserting twenty patents against various Microsoft products. Uniloc has since dropped one suit and three patents, but the majority of Uniloc's claims remain pending. The below chart contains a summary of the patents and products at issue in each case:

Case No.	Patent(s)	Microsoft Accused Products
2053	7,016,676	Surface
	7,075,917	Surface Lumia
	8,706,636 8,606,856	Office
2054	7,020,252	Stream
	8,613,110 7,024,696	Office Visio
2224	6,664,891	Surface and Accessories
0196	6,473,114	Teams
0428	7,167,487	Surface Lumia
0477	7,092,953	PlayReady
0780	8,724,622	Skype
0781	6,836,654	Surface Lumia
	9,869,362	Surface
0783	8,495,359	Skype
0955	6,498,541	Surface Go
0956	6,467,088	Windows
0988	8,881,273	PlayReady Defender

Uniloc filed the first of the consolidated cases in November 2018. The Court consolidated these cases on March 25, 2019 (8:19-CV-02053-JLS-JDE: Dkt. 45) and stayed the consolidated action on August 9, 2019 (Dkt. 95). Uniloc filed the second round of cases in April 2019, which the Court consolidated on September 19, 2019 (8:19-CV-00780-JLS-JDE: Dkt. 30) and stayed on November 15, 2019 pursuant to the Parties' stipulation (Dkt. 46).

Microsoft filed petitions for IPR against every asserted claim of the eighteen patents-in-suit.¹ Thus far, the PTAB has granted institution on all asserted claims of eight of the patents-in-suit.² The PTAB denied institution for seven of the patents-in-suit—two of which (U.S. Patent Nos. 7,167,487 and 7,020,252) remain subject to instituted third-party IPR petitions. The parties are awaiting the PTAB's decisions for two of the patents-in-suit. The status of the various PTAB proceedings filed by Microsoft is summarized in the below table.

Patent	IPR Petition No.	Filing Date	Instituted or Denied
7,167,487	IPR2019-00744	March 4, 2019	Denied

¹ The patents-in-suit for the first set of consolidated cases are: U.S. Patent Nos. 7,016,676 (the "'676 patent"); 7,075,917 (the "'917 patent"); 8,706,636 (the "'636 patent"); 8,606,856 (the "'856 patent"); 7,020,252 (the "'252 patent"); 8,613,110 (the "'110 patent"); 7,024,696 (the "'696 patent"); 6,664,891 (the "'891 patent"); 6,473,114 (the "'114 patent"); 7,167,487 (the "'487 patent"); and 7,092,953 (the "'953 patent").

The patents-in-suit for the second set of consolidated cases are: U.S. Patent Nos. 8,724,622 (the "'622 patent"), 6,836,654 (the "'654 patent"), 9,869,362 (the "'362 patent"), 8,495,359 (the "'359 patent"), 6,498,541 (the "'541 patent"), 6,467,088 (the "'088 patent") and 8,881,273 (the "'273 patent").

² For the '676 patent, the PTAB granted institution of a petition that challenges both asserted claims (claims 1 and 2) and denied institution of a petition on a claim (claim 5) that Uniloc no longer asserts. Uniloc is not requesting to lift the stay with respect to the '676 patent. Likewise, given that the PTAB denied one petition, but also granted institution on two other petitions with respect to the '654 patent, Uniloc is not requesting to lift the stay with respect to the '654 patent.

1	7,167,487	IPR2019-00745	March 4, 2019	Denied
2	7,020,252	IPR2019-00843	March 22, 2019	Denied
3	8,606,856	IPR2019-00976	April 16, 2019	Denied
4	7,075,917	IPR2019-00973	April 19, 2019	Instituted
5	8,706,636	IPR2019-00989	April 22, 2019	Denied
6	7,016,676	IPR2019-01116	May 29, 2019	Instituted
7	7,016,676	IPR2019-01125	May 29, 2019	Denied
8	8,613,110	IPR2019-01251	June 25, 2019	Instituted
9	7,024,696	IPR2019-01252	June 25, 2019	Instituted
10	6,664,891	IPR2019-01188	June 25, 2019	Instituted
11	6,473,114	IPR2019-01187	June 27, 2019	Instituted
12	7,092,953	IPR2019-01268	July 10, 2019	Denied
13	9,869,362	IPR2019-01390	July 31, 2019	Instituted
14	6,836,654	IPR2019-01470	August 9, 2019	Denied
15	6,836,654	IPR2019-01471	August 9, 2019	Instituted
16	8,724,622	IPR2019-01558	September 13, 2019	Denied
17	8,724,622	IPR2019-01559	September 13, 2019	Denied
18	8,881,273	IPR2019-01552	September 16, 2019	Denied
19	7,092,953	IPR2019-01648	September 27, 2019	Denied
20	6,467,088	IPR2020-00023	October 11, 2019	Instituted
21	8,495,359	IPR2020-00101	November 1, 2019	Awaiting Decision
22	6,498,541	IPR2020-00102	November 5, 2019	Awaiting Decision
23	6,498,541	IPR2020-00103	November 5, 2019	Awaiting Decision

Uniloc's Position:

Thus far Microsoft's IPR petitions for seven of the patents-in-suit have been denied ('487, '252, '856, '636, '953, '622 and '273 patents), petitions

1 against nine of the patents-in-suit have instituted ('917, '676, '110, '696, '891,
2 '114, '362, '654 and '088 patents) and the PTAB has yet to act on the petitions
3 for two of the patents-in-suit ('359 and '541 patents). In light of this, Uniloc
4 requests that the Court lift the stay as it relates to the patents-in-suit for which
5 Microsoft's IPR petitions have been denied. Uniloc further requests that to the
6 extent Microsoft's petitions for the patents-in-suit where the PTAB has not acted
7 are denied, the stay should be lifted with respect to those patents as well. It will
8 be as if IPR petitions were never filed against these patents and as such, there is
9 no good reason for the stay to remain in place.

10 Microsoft claims, without any real detail, that the patents for which the
11 Court should lift the stay (the '487 patent, the '252 patent, the '856 patent and
12 the '636 patent) overlap such that a stay should remain in place. Overlapping
13 accused products alone does not justify continuing a stay. Each patent for which
14 the Court should lift the stay necessarily applies to different technology in the
15 accused products because each of these patents are unrelated to the patents that
16 will continue to be stayed. Indeed, **none** of the patents for which the Court
17 should lift the stay are related to any of the patents currently in IPR proceedings.
18 Moreover, to the extent there is any overlap in witnesses, technical documents or
19 damages (which Microsoft alleges but provides no specifics), the parties can
20 agree to coordinate depositions such that a witness may be questioned regarding
21 the accused functionality. Participating in discovery now, including producing
22 technical and financial documents is not burdensome to Microsoft nor does it
23 multiply the proceedings because Microsoft must proceed on the at least seven
24 patents that are not subject to a pending IPR. The same applies to the
25 depositions of inventors listed on more than one patent or any discovery directed
26 at the prior owners of one more than one of the asserted patents. Coordinated
27 discovery, not a further stay, is the better approach in light of the PTAB's
28 rejection of at least seven of Microsoft's IPR petitions.

1 Microsoft continues to highlight the success of institution of third party
2 IPR proceedings, yet refuses to agree to IPR estoppel. The Court already
3 rejected reliance on such petitions. *See* Dkt. No. 65 at p. 2 (“The Court won’t
4 consider third party petitions in the stay calculus because Microsoft won’t be
5 subject to IPR estoppel if those proceedings eventually end in a final written
6 decision.”).

7 Finally, Uniloc is prejudiced by continuing any stay for the at least seven
8 patents for which Microsoft was unable to convince the PTAB to institute an
9 IPR. *See* Fed. R. Civ. Proc. 1 (the Federal Rules “should be construed,
10 administered, and employed by the court and the parties to secure, speedy, and
11 inexpensive determination of every action and proceeding”). Uniloc’s patent
12 assets are depreciating, finite life assets. The longer it takes to establish the
13 value of Uniloc’s patents in litigation, the less valuable they become as
14 additional infringers can free-ride off of the delay imposed by Microsoft. While
15 Uniloc appreciates that COVID-19 has made life inconvenient, this Court’s
16 General Order and COOP guidelines permit video and telephonic hearings and
17 are in place to help move cases forward where possible. Microsoft alludes to
18 “complications of conducting discovery,” but Uniloc has not experienced these
19 complications in any of its other cases. Defendants in other cases are
20 participating in document collection and production and video depositions.
21 Although there may be a few days delay in the service of subpoenas, they are
22 still being served and third-party discovery is moving forward. Witness
23 interviews can take place by telephonic or video conference. It is fundamentally
24 unfair to Uniloc to maintain a stay for several more years when Microsoft was
25 unsuccessful in getting IPRs to institute as to all asserted claims in these
26 consolidated actions. As Uniloc explained to counsel for Microsoft during the
27 parties’ telephonic meet and confer on April 20, 2010, if the Court lifts the stay,
28 the parties will negotiate and submit a proposed schedule that will accommodate

1 the current shelter in place deadlines, yet allowing for discovery to proceed.

2 Uniloc respectfully requests that the Court lift the stay for the '487, '252,
3 '856, '636, '953, '622 and '273 patents. If the Court lifts the stay, Uniloc
4 respectfully requests a deadline for the parties to submit a revised Joint
5 Scheduling Order. If the Court is inclined to keep the stay in place, Uniloc
6 requests the ability to submit an updated Joint Status Report and a further status
7 conference in the next three months, subject to the Court's convenience.

8 **Microsoft's Position:**

9 These cases have been consolidated from the outset to simplify the burden
10 imposed on the Court and the parties, and thus, keeping them consolidated is the
11 most efficient way to deal with the intertwined nature of Uniloc's claims. In
12 December 2018, Microsoft filed a motion to consolidate the three cases pending
13 at the time (Nos. 8:18-cv-02053, -02054, and -02224) into a single proceeding.
14 Dkt. No. 10 (2224 Case). The Court granted Microsoft's motion in March 2019,
15 and of its own volition, included in that consolidation four additional cases that
16 Uniloc had filed in the interim (Nos. 8:19-cv-00158, -00196, -0428, and -0477)
17 ("the 2053 cases"). Judge Guilford also encouraged the parties to try and
18 consolidate future cases as well. Mar. 9, 2019 Hearing Tr. at 21:21-23 ("See if
19 you can agree that the pending case gets consolidated or future pending cases get
20 consolidated. If not, bring it to me."). When Uniloc filed the remaining six cases
21 (Nos. 8:19-cv-0780, -0781, -0783, -0955, -0956 and -0988) ("the 780 cases"),
22 because the 2053 cases were approaching claim construction, the parties agreed
23 to consolidate the 780 cases on a separate track for pre-trial purposes.

24 After Microsoft filed IPR petitions on all patents asserted in the 2053
25 cases, the Court granted Microsoft's motion to stay those cases. A few months
26 later, the parties stipulated to stay the 780 cases pending the PTAB's institution
27 decisions on the patents asserted in those cases. Dkt. No. 45 (780). At the
28 previous status conference on January 13, 2020 before Judge Guilford, the Court

1 maintained the stay as to all patents – instituted and not instituted – bringing us
2 to present day.

3 Microsoft agrees with Uniloc that the stay should remain in place for the
4 following patents where the PTAB as instituted IPR proceedings: 7,075,917;
5 7,016,676; 8,613,110; 7,024,696; 6,664,891; 6,473,114; 9,869,362; 6,836,654;
6 6,467,088; 8,495,359; and 6,498,541.

7 Microsoft disagrees with Uniloc’s proposal to unwind the consolidations
8 and proceed piecemeal with the remaining patents—8,706,636 (the “’636
9 patent”), 8,606,856 (the “’856 patent”), 7,020,252 (the “’252 patent”), 7,167,487
10 (the “’487 patent”), 7,092,953 (the “’953 patent”), 8,724,622 (the “’622 patent”),
11 and 8,881,273 (the “’273 patent”)—particularly given (1) the significant overlap
12 in technology and fact discovery issues those patents share with patents that the
13 parties agree should remain stayed; (2) the likelihood that ongoing PTAB
14 proceedings will simplify (or nullify) disputes over the ’487 and ’252 patents
15 well before these patents would be tried in the instant case; and (3) the fact that
16 unnecessarily creating duplicative discovery inflicts an even greater burden on
17 the parties and the Court given COVID-19 stay-in-place orders and the Court’s
18 partial closing. Microsoft therefore proposes that the stay also remain in place
19 for these additional patents—as it did following the parties’ previous joint report
20 (Dkt. No. 106) and the Court’s January 11, 2020 status conference on these same
21 issues—given the efficiencies and simplification of issues that would result from
22 the continued stay.

23 There is a significant relationship and overlap of issues as between patents
24 for which Uniloc proposes the stay should be lifted and the patents both parties
25 agree should remain subject to the stay. In such situations, the efficiencies and
26 simplification of issues favors maintaining the stay on all such patents.

27 *Evolutionary Intelligence, LLC v. Sprint Nextel Corp.*, No. C-13-03587, 2014
28 WL 4802426, at *4 (N.D. Cal. Sept. 26, 2014) (“In the past where courts in this

1 district have encountered this type of situation—where IPR or reexam has been
 2 instituted as to one patent-in-suit, but not a related patent—courts have elected
 3 to stay the entire case.”) (citing Order Denying Motion to Lift Stay, at 7; *Sonics,*
 4 *Inc. v. Arteris, Inc.*, 2013 WL 503091, at *3 (N.D. Cal. Feb. 8, 2013) (“When
 5 there are overlapping issues between the reexamined patents and other non-
 6 reexamined patents-in-suit, courts have found that staying the entire case is
 7 warranted.”); *KLA–Tencor Corp. v. Nanometrics, Inc.*, 2006 WL 708661, at *4
 8 (N.D. Cal. March 16, 2006) (“When there are overlapping issues between the
 9 reexamined patents and other patents in suit, courts have found staying the entire
 10 case to be warranted.”); *Methode Elec., Inc. v. Infineon Techs. Corp.*, No. C 99-
 11 21142 JW, 2000 WL 35357130, at *3 (N.D. Cal. Aug. 7, 2000) (“granting a stay
 12 with respect to only the ’408 patent would be problematic since the ’468 patent
 13 involves the same accused device”)).

14 First, the technology, and Uniloc’s allegations under the ’487 patent
 15 significantly overlap with that of the ’917, ’891, and ’676 patents—all of which
 16 both parties agree should remain stayed. As Uniloc argued in its opposition to
 17 Microsoft’s previous motion to stay the individual ’487 patent case, the “accused
 18 products span multiple asserted patents...,” the “**same Microsoft Surface**
 19 **products** [are alleged to] infringe four of the patents —the ’487 patent and U.S.
 20 Patent Nos. 7,016,676, 7,075,917 and 6,664,891,” and thus “staying [only the
 21 ’487 patent] **would defeat the purpose of the consolidation....**” D.I. 58 at 1-2, 4
 22 (emphasis added). Indeed, the Court acknowledged this “technological overlap”
 23 when denying Microsoft’s earlier motion to stay only the ’487 patent case while
 24 the other consolidated cases involving overlapping technology proceeded. D.I.
 25 65 at 2. This admitted technological overlap yields efficiencies provided that the
 26 patents proceed on the same track. For example, the relevant technical,
 27 marketing, and damages witnesses—e.g. those in Microsoft’s initial
 28 disclosures—overlap across these cases and thus their depositions can be

1 coordinated. The patents were also originally assigned to the same third-party
2 and share common assignment records. Given the overlap among these patents,
3 it would be less efficient to proceed on the '487 patent, while the other three
4 ('676, '917, and '891 patents) remain subject to the agreed-upon stay. Uniloc
5 agrees that its allegations across these patents target the same products.

6 However, while Uniloc previously emphasized the accused product overlap to
7 oppose Microsoft's stay motion, Uniloc now attempts to downplay the overlap
8 by arguing that different aspects of the accused products are targeted across the
9 patents. Uniloc does not explain why this should change the equation given all
10 the witnesses, technical documents, and damages issues that are common across
11 the cases. In the end, Uniloc's proposal will necessarily duplicate discovery.

12 Second, the same concerns for efficiency and simplification suggest that
13 the '856 and '636 patents remain stayed, while the PTAB resolves the
14 patentability of the '110 and '696 patents. Uniloc's allegations under each of
15 these patents specifically implicate common functionality within the same
16 accused Microsoft product, namely Microsoft Office's installation and activation
17 procedures. Thus, these cases too implicate overlapping Microsoft witnesses
18 (e.g. those already identified in Microsoft's initial disclosures), technical
19 documents, and damages issues, making it more efficient to proceed in parallel.
20 Again, Uniloc does not dispute that proceeding piecemeal with these separate
21 cases will multiply the proceedings.

22 Third, these efficiency and simplification concerns further counsel that the
23 case regarding '622 patent remains stayed while the PTAB resolves the
24 patentability of the '359 patent. Uniloc asserts each of these patents against the
25 same accused Microsoft Skype product. Therefore, these cases, as above,
26 similarly implicate overlapping Microsoft witnesses, technical documents, and
27 damages issues.

28 Fourth, the issues implicated by and discovery required for the '273, '953,

1 '359, and '362 patents also overlap. Discovery for the '273 patent will overlap
2 with discovery for the '359, and '362 patents least because these patents share
3 the same named inventor, Craig Etchegoyan. The issues and discovery for the
4 '273 patent and the '953 patent will also overlap because Uniloc asserts the '273
5 and '953 patents against the same accused product, Microsoft PlayReady.
6 Accordingly, these cases too implicate overlapping witnesses, technical
7 documents, and damages issues, and they should be litigated in parallel to
8 preserve efficiency.

9 Fifth, Uniloc's case concerning the '252 patent also shares common
10 issues—which will require overlapping discovery—with the '676, '917, '891,
11 '487, and '114 patents, at least because Uniloc obtained these patents (originally
12 from Koninklijke Philips NV) through a series of transactions involving
13 Pendragon Wireless LLC and IPG Electronics. While the '252 patent admittedly
14 does not share the same level of technical overlap with the other asserted
15 patents, splitting this patent off from the consolidated case would multiply
16 efforts in the proceeding and undue the efficiencies gained by the Court's
17 consolidation, e.g. with respect to consolidated claim construction proceedings,
18 coordinated Uniloc and third party fact depositions, and shared discovery limits.
19 *See* D.I. 45, 53, 54. Keeping patents sharing overlapping issues on the same
20 track is the most efficient way forward and alone justifies maintaining the stay
21 with respect to all patents-in-suit.

22 Further, while Microsoft's IPR petitions on the '487 and '252 patents
23 were denied, there remains a substantial likelihood that the PTAB will simplify,
24 if not resolve, the parties' disputes over these patents well before any trial in the
25 instant case because there are instituted third party IPRs pending on those
26 patents, which separately suggests the stay should be maintained for these
27 patents. For the '487 patent in particular, the PTAB did **not** deny institution of
28 Microsoft's IPR petitions on the substantive merits, but rather exercised its

1 discretion under 35 U.S.C. 325(d) to deny institution after finding that
2 Microsoft's petitions "rel[y] on substantially the same prior art and raise[]
3 substantially the same arguments raised in the [already instituted] Apple
4 IPR[s]." The Apple IPRs (Nos. 2019-00222 and 2019-00252)³ challenge the
5 same claims and were instituted after the PTAB found they had a "reasonable
6 likelihood of success."⁴ The expected final decision date on the Apple IPRs is
7 only weeks away, on or before June 4, 2020.⁵ Similarly, the Unified IPR (No.
8 2019-00453) as to the '252 patent was instituted on all claims included in
9 Microsoft's petition and has an expected final decision on or before July 26,
10 2020. Moving forward with Uniloc's case under these patents poses a
11 significant risk that the parties and the Court will unnecessarily expend
12 resources litigating claims that are later cancelled by the PTAB or modified in
13 scope by way of amendments or arguments made during the PTAB proceedings.
14 *See Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1364 (Fed. Cir. 2017)
15 ("Accordingly, we hold that statements made by a patent owner during an IPR
16 proceeding, whether before or after an institution decision, can be relied upon to
17 support a finding of prosecution disclaimer."). This risk can be avoided by
18 maintaining the stay as to these patents. And while Uniloc is correct that no
19 actual estoppel will apply based upon these third party IPR petitions, as a
20 practical matter Microsoft is not likely to rely on the same art as in those
21 petitions if the patents are not invalidated in those proceedings. Thus, one way
22 or the other, the case will have been narrowed as a result of the IPR proceedings.

23 Finally, the burdens associated with the duplicative discovery and
24 proceedings generated from moving forward piecemeal on the asserted patents

25 ³ IPR Nos. 2019-00222 and 2019-00252 were jointly filed by Apple, Inc., LG
26 Electronics, Inc., Samsung Electronics Co., Ltd., and Samsung Electronics
America, Inc.

27 ⁴ Dkt. No. 106 (2053), Exhibit A at 4; Exhibit B at 4.

28 ⁵ PTAB instituted trial on June 4, 2019. "An *inter partes* review proceeding shall be administered such that pendency before the Board after institution is normally no more than one year." 37 C.F.R. § 42.100(c).

1 are amplified given the outstanding COVID-19 outbreak and associated
2 restrictions. As Chief Judge Phillips’ Standing Order recognizes, the State of
3 California has declared a national emergency in response to the COVID-19
4 outbreak. 2020-3-19 Standing Order (No. 20-042). And this Court is operating
5 under a Continuity of Operations Plan (“COOP”), under which the Court is
6 closed to the public and not holding in-person hearings in civil cases (set aside
7 certain emergency matters) through at least June 1, 2020. *Id.*; 2020-4-13 General
8 Order (No. 20-05). Further, the State of California and the State of Washington
9 (where Microsoft is headquartered and the location of many relevant witnesses)
10 remain under stay-at-home orders.⁶ Although, Microsoft recognizes that this
11 Court’s General Order and COOP guidelines permit video and telephonic
12 hearings, and are in place to help move cases forward where possible, the
13 complications of conducting discovery in a multi-patent case implicating various
14 Microsoft products during a lockdown are significant. For instance, stay-at-
15 home orders complicate at least tasks such as: document collection and
16 production, depositions, subpoena service, witness interviews, and third party
17 discovery, to name several. While Microsoft acknowledges there are likely
18 ways to account for many of these complications, doing so in the present case
19 makes less sense given that much of this discovery that would have to navigate
20 COVID-19-related obstacles, would then later have to be repeated given the
21 overlap among the cases. This burden could be avoided entirely by continuing
22 the stay and allowing the cases to proceed together following the conclusion of
23 the IPR proceedings—hopefully without COVID-19 complications.

24 In sum, maintaining the stay for all asserted patents in the instant
25 consolidated case is the most efficient way to simplify the issues and
26 administration of this consolidated proceeding. Uniloc’s offer to coordinate

27 ⁶ Information on these states’ stay-at-home orders and the associated Executive Orders are located
28 here: <https://covid19.ca.gov/stay-home-except-for-essential-needs/> and here:
<https://www.coronavirus.wa.gov/whats-open-and-closed>

1 discovery does not address the inefficiencies of its approach—if a patent that is
2 currently stayed pending an IPR survives, the parties will need to conduct
3 duplicative discovery at a later date. There is no practical way to coordinate that
4 discovery in advance, as any attempt to predict the outcome of the pending IPRs
5 at this stage is speculative. Uniloc also still cannot show prejudice from a
6 continued stay. As the Court’s Order recognized, Uniloc is “a non-practicing
7 entity [and] has not shown undue prejudice by the entry of a stay.” D.I. 95 at 3.
8 Uniloc’s sole alleged prejudice—i.e. that its patent assets are “depreciating,
9 finite life assets”—is the same argument it made prior to the parties’ previous
10 status conference (after which the stay was continued), and it remains
11 unfounded. Uniloc fails to explain how any damages it demands from
12 Microsoft’s alleged infringement are affected by a continued stay. And Uniloc’s
13 related position that a continued stay would permit “additional infringers [to]
14 free-ride off of the delay” makes no sense as nothing precludes Uniloc from
15 pursuing additional infringers—stay or no stay.

16 Microsoft proposes that the stay remain in place for all patents-in-suit and
17 that the parties provide the Court with an additional joint status update at a time
18 set by the Court such that the parties can keep the Court apprised of any
19 additional information pertinent to the stay.

20 Respectfully submitted,

21 Dated: April 27, 2020

/s/ M. Elizabeth Day
Attorneys for Plaintiff

23 Dated: April 27, 2020

/s/ Aamir Kazi
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ATTESTATION

Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filing party hereby attests that all signatories listed concur in this filing's content and have authorized this filing.

/s/ M. Elizabeth Day